



**US Army Corps  
of Engineers®**  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Comment Period Begins:** December 17, 2019  
**Comment Period Ends:** January 17, 2020  
**File Number:** NAE-2006-00768  
**In Reply Refer To:** Christina M. Comeau  
**Phone:** (978) 318-8705  
**E-mail:** Christina.M.Comeau@usace.army.mil

---

The District Engineer has received a permit application to conduct work in waters of the United States from Niantic Bay Yacht Club, 22 Pennsylvania Avenue #4, Niantic, Town of East Lyme, Connecticut. This work is proposed in Niantic Bay at 8 Shore Road, Niantic, Town of East Lyme, Connecticut. The site coordinates are: Latitude: 41.310802°, Longitude: -72.201667°.

The work involves mechanically dredging 13,000 cubic yards (CY) over 60,000 square feet (SF) to a depth of -9' mean low water (MLW) including a 1' over-dredge allowance. Also to mechanically dredge 1,800 CY over 6,000 SF to a depth of -5' MLW including a 1' over-dredge allowance. Dewatering and disposal of the dredged materials will be at an onsite upland location. Niantic Bay Yacht Club has been permitted by the U.S. Army Corps of Engineers (Corps) for recreational structures since 1968. The applicant states that the protective breakwater is not an adequate height to completely block the sand and that over time this has led to sand accretion in many areas that could interfere with vessels accessing the docks at all times during the tide cycle. Dredging will allow vessels to continue to access the docking facilities at the yacht club.

The work is shown on the enclosed plans entitled "NEW DREDGING, Niantic – Town of East Lyme, New London County, Connecticut, Niantic Bay," on 5 sheets, and dated "FEBRUARY 2, 2017, REVISED 6-5-19."

The applicant is working with the Corps on ways to avoid, minimize, and compensate for the eelgrass and intertidal area impacts.

## AUTHORITY

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☐ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act.
- ☐ Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408)

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land

**CENAE-R**  
**FILE NO. NAE-2006-00768**

use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers, New England District (Corps), is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. The Corps will consider all comments received to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The alternatives considered in the dredged material disposal analysis fall into four general categories: beneficial use, upland disposal, confined disposal, and open-water disposal. The feasibility of disposal alternatives was analyzed relative to the physical and chemical quality of the dredged material, the volume of material to be dredged, the availability of suitable disposal and beneficial use sites, and the cost of disposal. When applicable, the biological quality of the disposal of the material at the disposal site was also used to evaluate the feasibility of the open-water disposal alternative.

Based on the characteristics of the dredged material, the lack of suitable alternate disposal or beneficial use sites and costs, the most feasible, practical, cost-effective and environmentally acceptable alternative for the disposal of dredged materials from the proposed dredging is disposal at the requested disposal site.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The dredging portion of this project will impact approximately 66,000 SF of EFH. Habitat at this site can be described as intertidal, submerged aquatic vegetation, hard bottom, and subtidal. Loss of this habitat may adversely affect species that use these waters and substrate. However the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

### **NATIONAL HISTORIC PRESERVATION ACT**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

**CENAE-R**  
**FILE NO. NAE-2006-00768**

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s).

**ENDANGERED SPECIES CONSULTATION**

The Corps has reviewed the application for the potential impact on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, situated or will be operated/used in such a manner that it is not likely to adversely affect a listed species or their critical habitat. We are coordinating with the National Marine Fisheries Service and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

**OTHER GOVERNMENT AUTHORIZATIONS**

The states of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable, the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, license or assent from State.
- ☐ ( ) Permit from local wetland agency or conservation commission.
- ☐ ( ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

**COMMENTS**

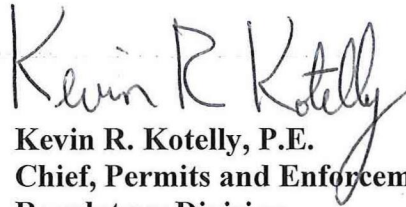
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Christina M. Comeau at (978) 318-8705, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

CENAE-R  
FILE NO. NAE-2006-00768

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

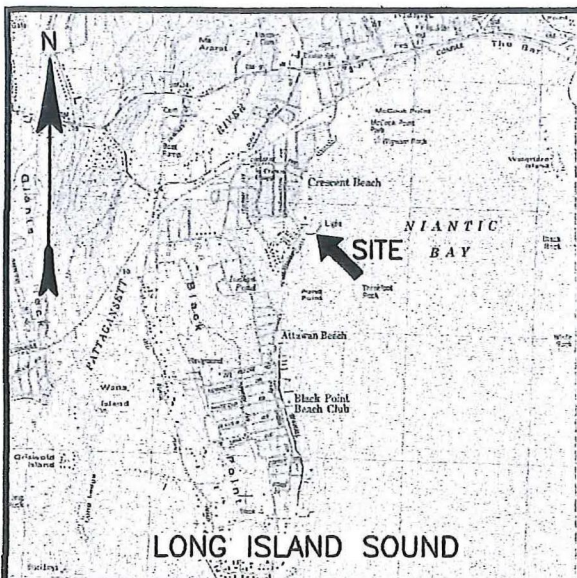


Kevin R. Kotelly, P.E.  
Chief, Permits and Enforcement Branch  
Regulatory Division

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE: \_\_\_\_\_





**LOCATION MAP** REFERENCE CHART: 12354  
GRAPHIC SCALE IN YARDS  
5000 0 5000

**NOTES:**

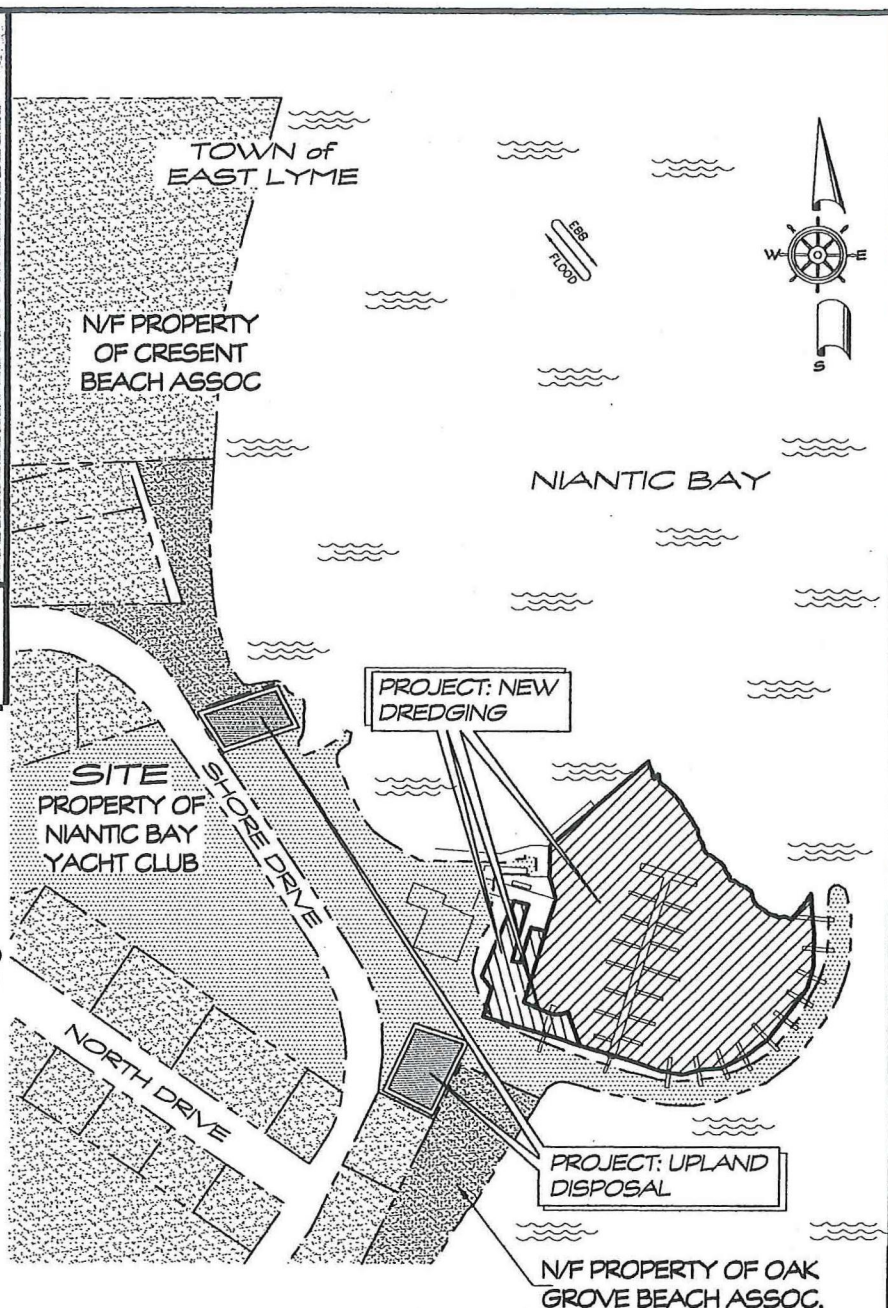
1. ELEVATION DATUM IS MEAN LOWER LOW WATER
2. TIDE DATA IS TAKEN FROM 2017 NOAA TIDE TABLES  
REFERENCE : NEW LONDON/MILLSTONE POINT. C.J.L IS  
TAKEN FROM THE COASTAL JURISDICTIONAL LINE FACT  
SHEET : EAST LYME
3. PROJECT DESCRIPTION: DREDGE 10,500±CY OF SAND  
OVER 60,000±SF TO A DEPTH OF -9FT MLW WITH A 1-FT  
OVERDREDGE ALLOWANCE OF 2,500±CY OF SAND ALSO  
DREDGE 1,500±CY OF SAND OVER 6,000±SF TO A DEPTH  
OF -5FT MLW WITH AN OVERDREDGE ALLOWANCE OF  
300±CY, WATERWARD OF THE HIGH TIDE AND COASTAL  
JURISDICTION LINES, ALL BY MECHANICAL MEANS FOR  
UPLAND DISPOSAL.
4. PROJECT PURPOSE: THIS IS A PRIVATE CLUB IN  
SUPPORT OF RECREATIONAL BOATING THE DREDGING IS  
REQUIRED TO MAINTAIN ADEQUATE WATER DEPTHS FOR  
BERTHING.
5. THESE APPLICATION DRAWINGS REPRESENT A  
COMPILATION OF SURVEYS FOR ENVIRONMENTAL PERMIT  
PURPOSES. THEY ARE NOT CONSTRUCTION CONTRACT  
DOCUMENTS. A TOWN BUILDING PERMIT MAY BE  
REQUIRED.
6. ADJOINING PROPERTY OWNERS:

**SOUTH:**

OAK GROVE BEACH  
COMM ASSOC LLC  
C/O JAMES WEAVER PRESIDENT  
21 MANWARRING ROAD  
NIANTIC, CT 06357

**NORTH:**

CRESENT BEACH ASSOCIATION  
C/O DAN BEACHY PREIDENT  
PO BOX 424  
NIANTIC, CT 06357



**OVERALL PLAN**

GRAPHIC SCALE 1" = 200'  
200 0 200



REVISED 10-24-18 DEEP  
PROPERTY LINES

PROJECT: NEW DREDGING

LOCATION: NIANTIC - TOWN of EAST LYME  
NEW LONDON COUNTY, CONNECTICUT  
WATERWAY: NIANTIC BAY  
DATE: FEBRUARY 2, 2017  
APPLICANT: NIANTIC BAY YACHT CLUB

AGENT: SHEET 1 OF 4  
**DOCKO, INC.**

Keith B. Neilson, PE  
Mystic, CT 06355  
860 572 8939 FAX 860 572 7569  
EMAIL: office@docko.com

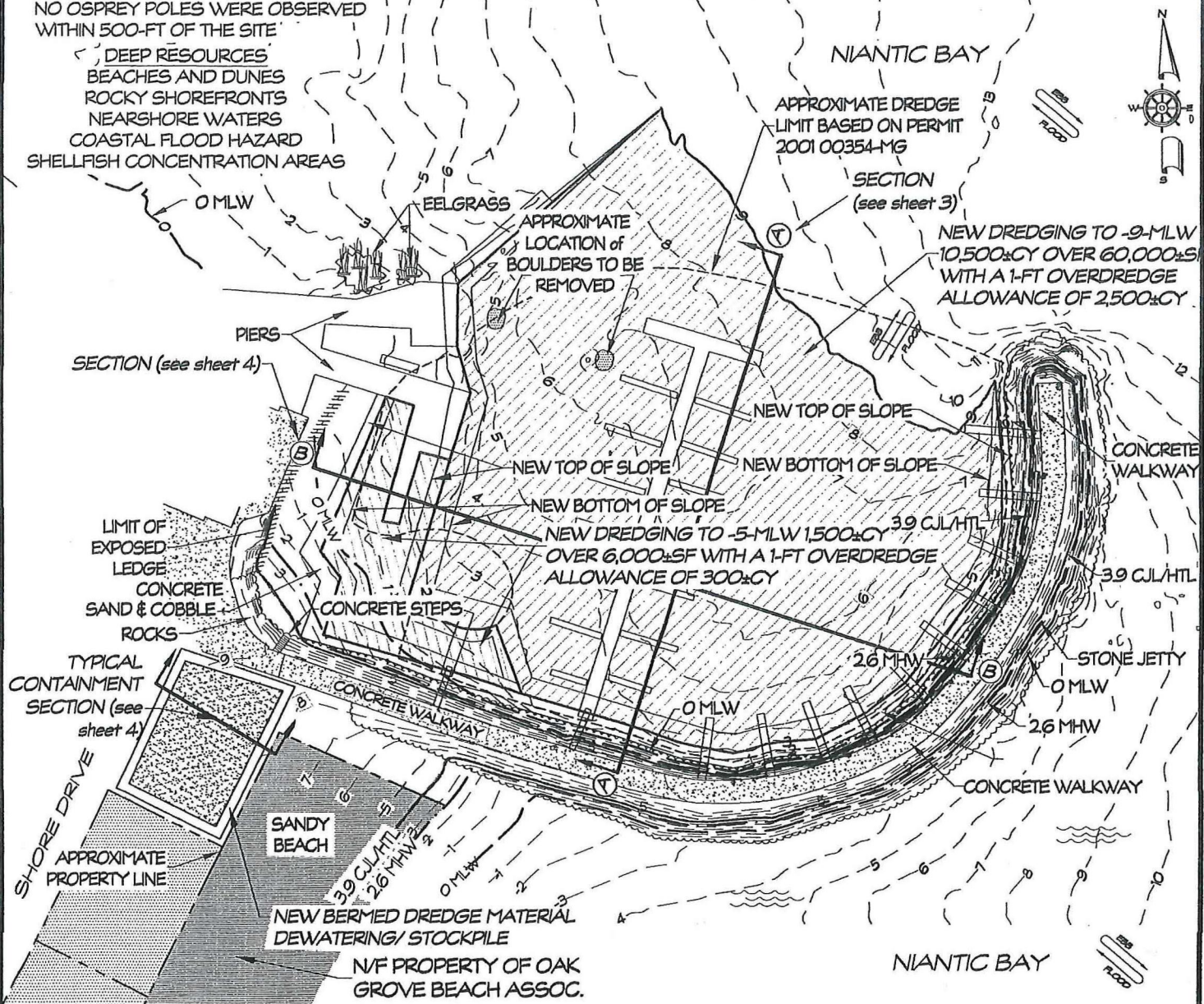


DWG 05-03-1674



NOTE:  
NO OSPREY POLES WERE OBSERVED  
WITHIN 500-FT OF THE SITE

DEEP RESOURCES  
BEACHES AND DUNES  
ROCKY SHOREFRONTS  
NEARSHORE WATERS  
COASTAL FLOOD HAZARD  
SHELLFISH CONCENTRATION AREAS

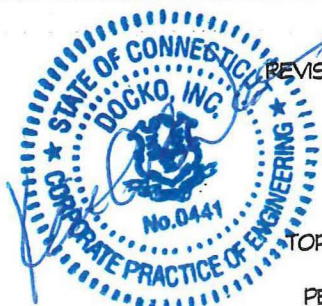


### PLAN VIEW

GRAPHIC SCALE 1" = 80'



HYDROGRAPHIC SURVEY BY HYDRO DATA INC  
TOPOGRAPHIC SURVEY BY RESOURCE MANAGEMENT & MAPPING  
ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)



REVISED 10-2-17 ACOE  
SAV SURVEY  
REVISED 10-2-17 DEEP & ACOE  
DEMIMIS-ADDITIONAL  
DREDGE AREA  
REVISED 10-24-18 DEEP  
PROPERTY LINES  
REVISED 6-5-19 DEEP  
TOP and BOTTOM of DREDGE  
SLOPE & PREVIOUSLY  
PERMITTED DREDGE AREA

PROJECT: NEW DREDGING

LOCATION: NIAN TIC - TOWN of EAST LYME  
NEW LONDON COUNTY, CONNECTICUT  
WATERWAY: NIAN TIC BAY  
DATE: FEBRUARY 3, 2017  
APPLICANT: NIAN TIC BAY YACHT CLUB

AGENT: SHEET 2 OF 4

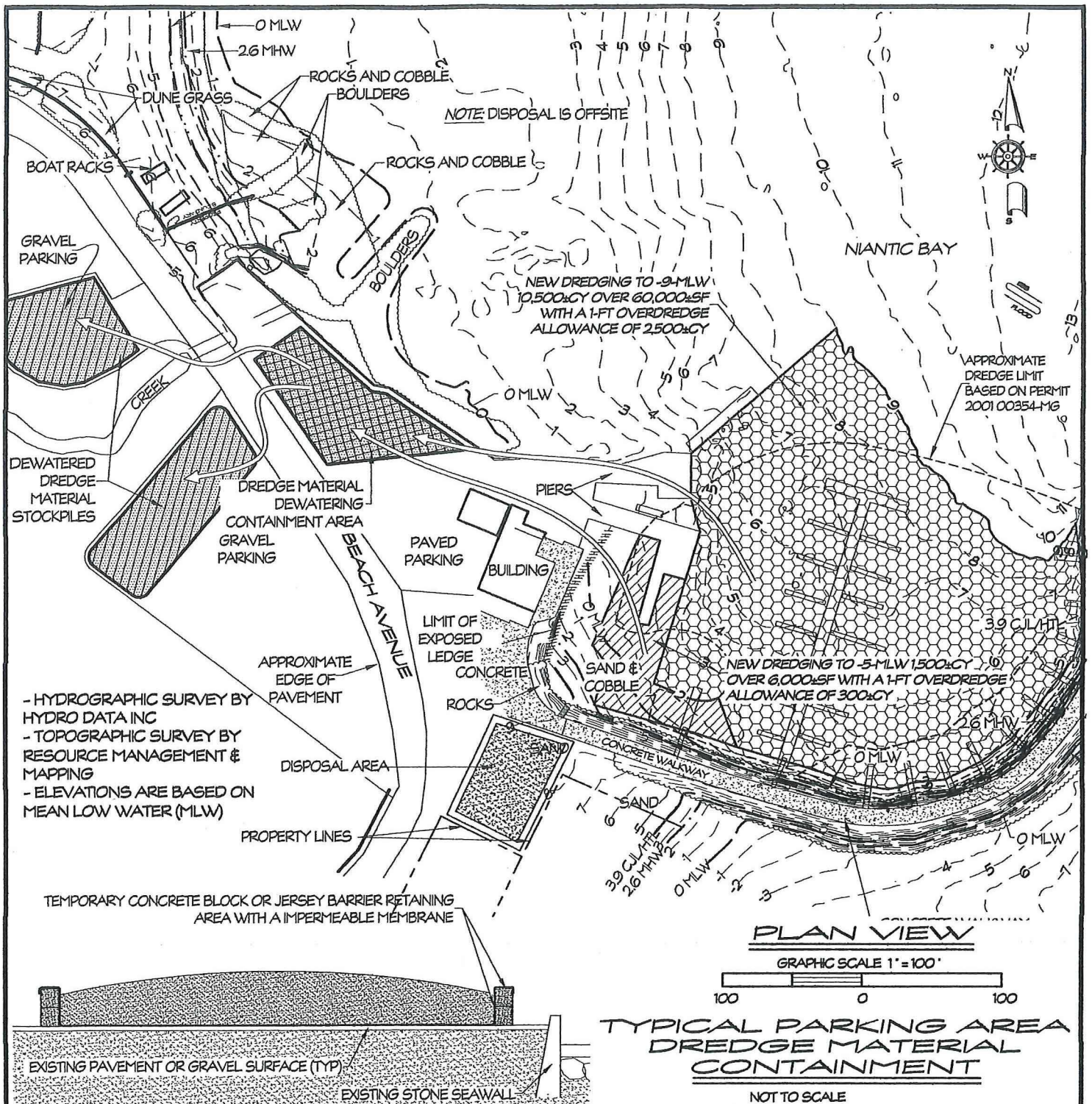
**DOCKO, INC.**

Keith B. Neilson, PE  
Mystic, CT 06355  
860 572 8939 FAX 860 572 7569  
EMAIL: office@docko.com

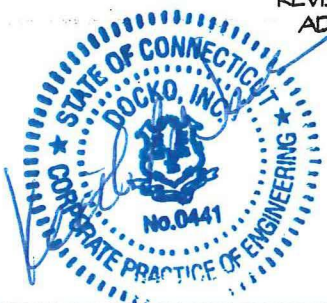


DWG 05-03-1674





REVISED 6-5-19 DEEP  
ADDITIONAL SHEET



PROJECT: NEW DREDGING

LOCATION: NANTIC - TOWN of EAST LYME  
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: NANTIC BAY

DATE: FEBRUARY 3, 2017

APPLICANT: NANTIC BAY YACHT CLUB

AGENT: SHEET 2A OF 4

**DOCKO, INC.**

Keith B. Neilson, PE

Mystic, CT 06355

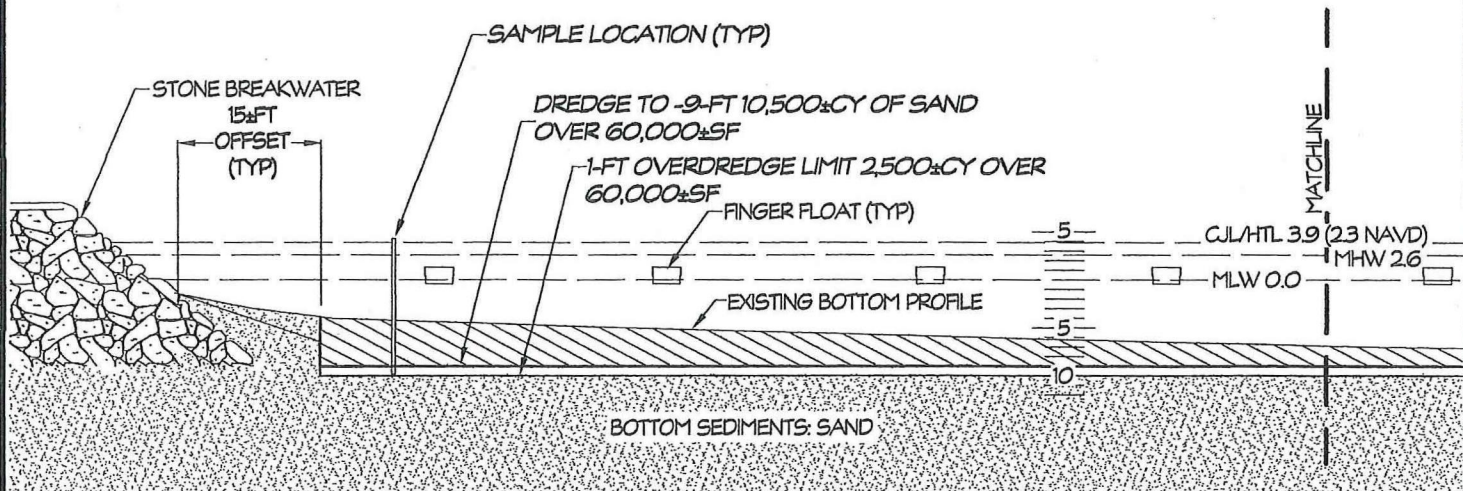
860 572 8939 FAX 860 572 7569

EMAIL: office@docko.com



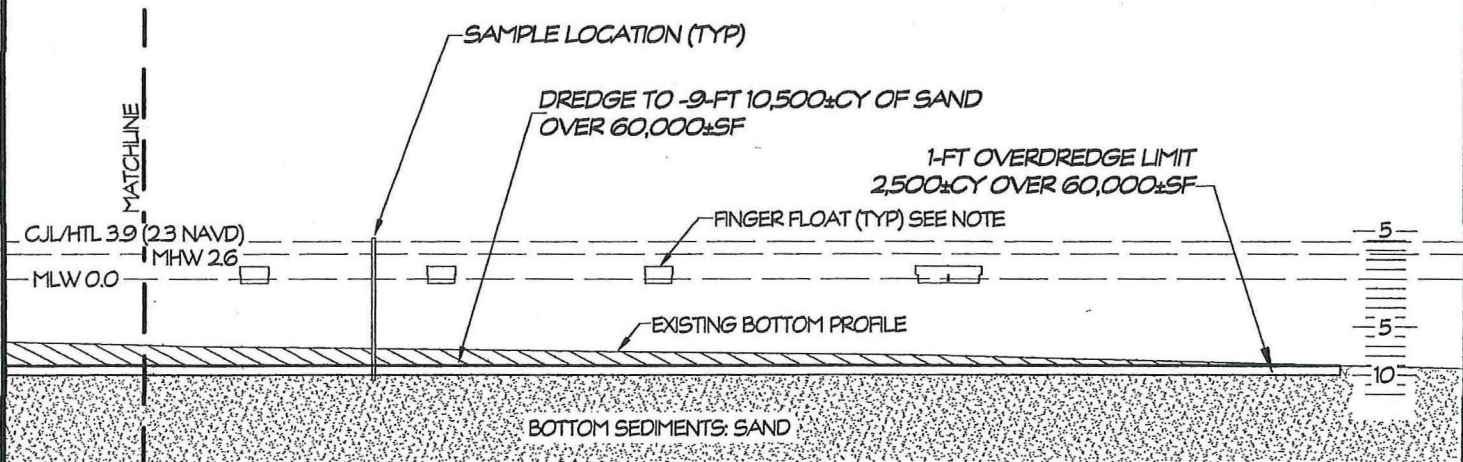
DWG 05-03-1674





### SECTION A-A

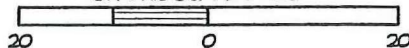
GRAPHIC SCALE 1" = 20'



### SECTION A-A

GRAPHIC SCALE 1" = 20'

NOTE: REMOVE AND REDRIVE FLOAT  
RESTRAINT PILES AS NECESSARY



ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)



PROJECT: NEW DREDGING

LOCATION: NIAN TIC - TOWN of EAST LYME  
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: NIAN TIC BAY

DATE: FEBRUARY 2, 2017

APPLICANT: NIAN TIC BAY YACHT CLUB

AGENT: SHEET 3 OF 4

**DOCKO, INC.**

Keith B. Nelson, PE

Mystic, CT 06355

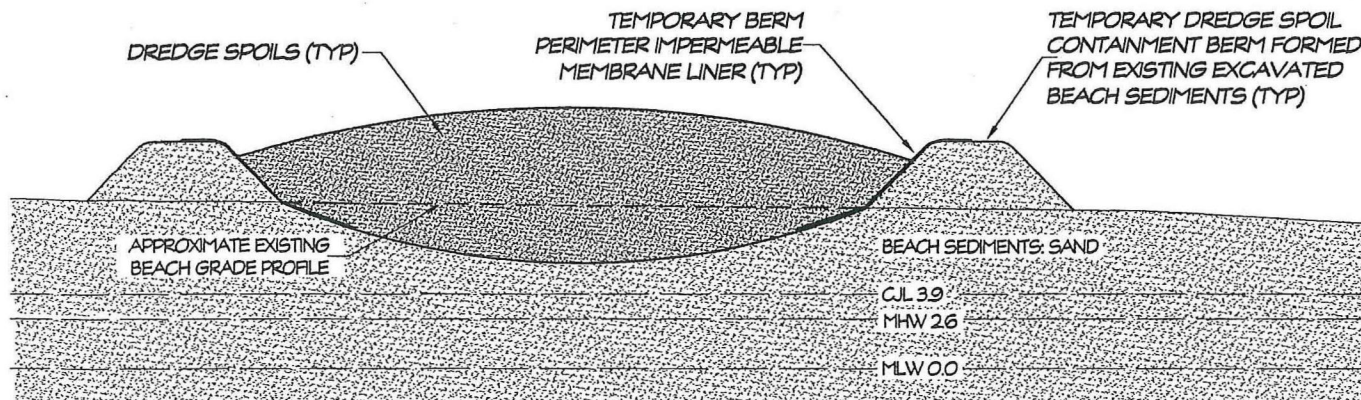
860 572 8939 FAX 860 572 7569

EMAIL: office@docko.com

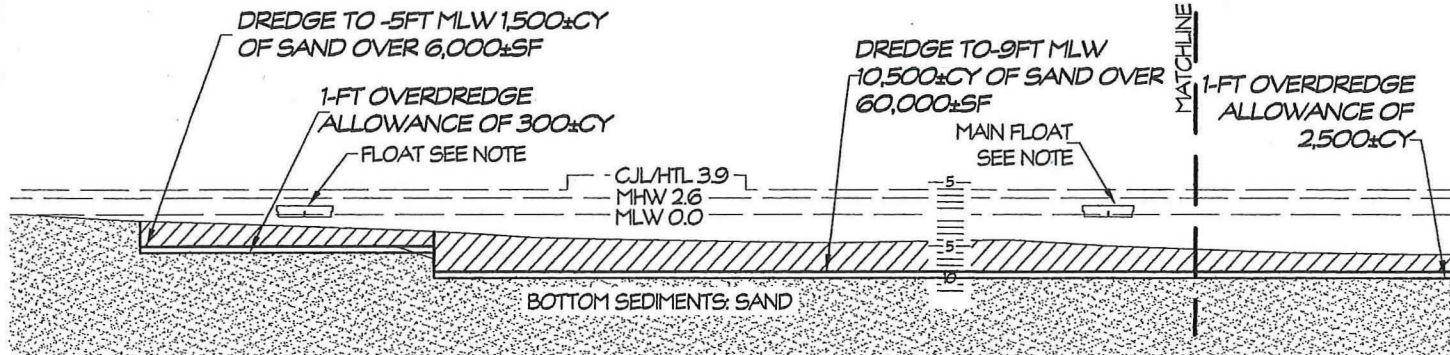


DWG 05-03-1674



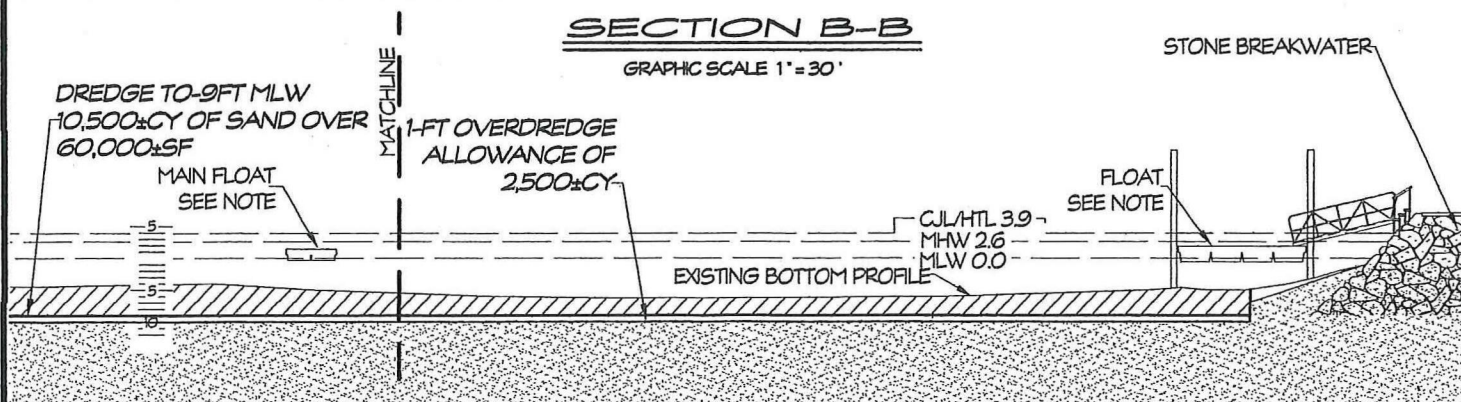


### TYPICAL CONTAINMENT SECTION



### SECTION B-B

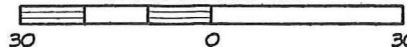
GRAPHIC SCALE 1" = 30'



### SECTION B-B

GRAPHIC SCALE 1" = 30'

NOTE: REMOVE AND REDRIVE FLOAT RESTRAINT PILES AS NECESSARY



ELEVATIONS ARE BASED ON MEAN LOW WATER (MLW)



PROJECT: NEW DREDGING

LOCATION: Niantic - TOWN of EAST LYME  
NEW LONDON COUNTY, CONNECTICUT

WATERWAY: Niantic Bay

DATE: FEBRUARY 2, 2017

APPLICANT: Niantic Bay Yacht Club

AGENT: SHEET 4 OF 4

**DOCKO, INC.**

Keith B. Neilson, PE

Mystic, CT 06355

860 572 8939 FAX 860 572 7569

EMAIL: office@docko.com



DWG 05-03-1674